

Amendments To The Drawings:

Please add for entry the new drawing sheet 11/11, including Figures 15, 16 and 17, to the present application in compliance with Office Action dated 05/19/2006. No new matter is being added.

Remarks

This application has been reviewed in light of the Office Action of 05/19/2006. Claims 4-18 are pending, claims 4 and 18 are withdrawn, claims 6-17 are allowed and claim 5 is rejected. The drawings as filed on 07/27/2003 are accepted; however, an objection has been made regarding the drawings. Claim 5 is now being amended, and the drawings are corrected. Reconsideration of the amended application is requested.

In the Drawings:

Applicant submits for entry new drawing sheet 11/11 including Figures 15, 16, and 17. These figures are submitted so as to comply with 37 CFR 1.83(a) wherein every feature of the invention specified in the claims must show in the drawings. Every feature of the invention claimed is supported by written antecedent basis in the description. The submitted figures comply with 37 CFR 1.83(a) and are also supported by the written description. The figures show the alternate embodiments of the invention as particularly specified in the description at page 8, line 1. Figure 15 depicts an inset of a standard screw conveyor means embodiment depicting the common meaning of a screw conveyor as specified in the description; therefore no new matter is being added. Similarly, figure 16 depicts a standard bucket conveyor means incorporated an embodiment of the invention; and figure 17 shows a standard vibrating bed conveyor means also conveying the common meaning of these types of conveyors. Applicant believes that entry of drawing sheet 11/11 overcomes the Examiners objection to the drawings.

In the Specification:

Applicant submits for entry the afore requested amendments to the specification so as to comply with the Office Action of 5/19/2006 wherein amendments to the drawings necessitate appropriately amending the brief descriptions of the several views of the drawings for consistency. Similarly, amendments to the specification are requested to

include the appropriate figure numbers and reference numbers directed to the object of the figures for clarity and consistency of the specification.

In the Claims:

Regarding Claim 5 rejections under 35 USC 103, Applicant has reviewed the Office Action of 05/19/2006 and has requested amendment of Claim 5 to include further limitations recited and shown in the Specification and Drawings. The following remarks are directed to the rejections of the original claim and how the Applicant has amended the claim to traverse the rejections.

Regarding Claim 5 having been rejected under 35 USC 103(a) as being unpatentable over Kuzub (US 5,318,444) in view of Felbeck (US 2,930,498), the Claim 5, as amended recites the additional limitation of the sweeping mechanism means comprising at least one wing pivotally hinged to the conveyor means and extending radially from the conveyors means so as to sweep through an arc and guide material to the collection path of the conveyor means as supported in the specification at page 4, line 17. Neither Kuzub nor Felbeck anticipate, teach or suggest a wing element for purposes of sweeping material into the collection path of the conveyor. Further, Felbeck relies upon the entire device without a distinct sweeper mechanism to rotate at the entry point of the silo for repositioning the collection path of the apparatus. Such a configuration would make the recited disclosure inoperable.

The following principles of law applies to all Section 103 rejections. MPEP 2143.03 provides, "To establish prima facie obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. In re Royka, 490 F2d 981, 180 USPQ 580 (CCPA 1974). All words in a claim must be considered in judging the patentability of that claim against the prior art. In re Wilson, 424 F. 2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)." That is, to have any expectation of rejecting the claims over a single reference or a combination of references, each limitation must be taught somewhere in the applied prior art. If limitations are not found in any of the applied prior

art, the rejection cannot stand. In this case, both the single and combination of applied prior art references clearly does not arguably teach some limitations of the now amended claims. As such Claim 5 as amended is therefore believed allowable over this ground of rejection.

Applicant respectfully requests reconsideration of the application in view of the amendments herein and that a timely Notice of Allowance be issued in this case. If there are any questions regarding this communiqué, please contact Gary Hoenig, attorney of record, at (707) 545-0900.

Respectfully submitted,

/Gary Hoenig/

Gary Hoenig, Reg 46776 10/19/2006
Attorney for Applicant